United Nations S/2014/367

Security Council

Distr.: General
27 May 2014

Original: English

Australia, Chad, France, Lithuania, Luxembourg, Nigeria, Republic of Korea, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions 1996 (2011), 2046 (2012), 2057 (2012), 2109 (2013) and 2132 (2013),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity, and national unity of the Republic of South Sudan, and *recalling* the importance of the principles of non-interference, good-neighbourliness, and regional cooperation,

Recalling its resolution 2086 (2013) and reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality, and non-use of force, except in self-defence and define of the mandate, and *recognizing* that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned,

Expressing grave alarm and concern regarding the rapidly deteriorating political, security, and humanitarian crisis in South Sudan resulting from the internal Sudan People's Liberation Movement (SPLM) political dispute and subsequent violence caused by the country's political and military leaders,

Strongly condemning reported and ongoing human rights violations and abuses and violations of international humanitarian law, including those involving extrajudicial killings, ethnically targeted violence, sexual and gender-based violence, rape, recruitment and use of children, enforced disappearances, arbitrary arrests and detention, violence aimed at spreading terror among the civilian population, and attacks on schools and hospitals as well as United Nations peacekeeping personnel, by all parties, including armed groups and national security forces, as well as the incitement to commit such abuses and violations, and *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable and that the Government of South Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from potential crimes against humanity and war crimes,

Expressing deep concern over the large-scale displacement of persons and deepening humanitarian crisis, *stressing* the responsibility borne by all parties to the conflict for the suffering of the people of South Sudan, and the necessity of ensuring

Please recycle

that the basic needs of the population are met, *commending* United Nations humanitarian agencies and partners for their efforts to provide urgent and coordinated support to the population, *calling upon* all parties to the conflict to allow and facilitate, in accordance with relevant provisions of international law and United Nations guiding principles of humanitarian assistance, the full, safe and unhindered access of relief personnel, equipment and supplies to all those in need and timely delivery of humanitarian assistance, in particular to internally displaced persons and refugees, *condemning* all attacks against humanitarian personnel and facilities and *recalling* that attacks against humanitarian personnel and depriving civilians of objects indispensable to their survival may amount to violations of international humanitarian law,

Commending the Intergovernmental Authority on Development (IGAD) initiative, as supported by the United Nations and African Union, in establishing a forum for political and security dialogue, and *expecting* all parties to participate in this process and respect the decisions reached by IGAD Assembly of Heads of State and Government on 13 March 2014,

Welcoming the IGAD-mediated 23 January 2014 Cessation of Hostilities (CoH) and Status of Detainees Agreements, consensus on the Declaration of Principles between the parties, the establishment of the ceasefire Monitoring and Verification Mechanism (MVM), and the 9 May "Agreement to Resolve the Crisis in South Sudan", *while condemning* repeated violations of the CoH by all parties which undermine peace efforts,

Expressing its deep appreciation for the actions taken by United Nations Mission in South Sudan (UNMISS) peacekeepers and troop- and police-contributing countries to protect civilians, including foreign nationals, under threat of physical violence and to stabilize the security situation, and *further expressing* appreciation for those Member States who have responded immediately to expedite the deployment of troops and police immediately after the adoption of resolution 2132 (2013),

Taking note with interest the 21 February 2014 UNMISS Interim Human Rights report, and 8 May 2014 "Conflict in South Sudan: A Human Rights Report",

Expressing grave concern that according to the 8 May 2014 "Conflict in South Sudan: A Human Rights Report", there are reasonable grounds to believe that war crimes and crimes against humanity, including extrajudicial killings, rape and other acts of sexual violence, enforced disappearances, and arbitrary arrests and detention have been committed by all parties to the conflict in South Sudan,

Stressing the urgent and imperative need to end impunity in South Sudan and to bring to justice perpetrators of such crimes,

Welcoming the 12 March 2014 inaugural meeting and the initiation of work of the African Union Commission of Inquiry as critical steps in independent and public human rights monitoring, investigation and reporting,

Strongly condemning the use of radio to broadcast hate speech and transmit messages instigating sexual violence against a particular ethnic group, which has the potential to play a significant role in promoting mass violence and exacerbating conflict, *calling* on the Government to take the appropriate measures in order to

deter such activity, and *further urging* all parties to desist from these actions and instead contribute to promoting peace and reconciliation among the communities,

Emphasizing that persisting barriers to full implementation of resolution 1325 (2000) will only be dismantled through dedicated commitment to women's empowerment, participation, and human rights, and through concerted leadership, consistent information and action, and support, to build women's engagement in all levels of decision-making,

Expressing deep concern at persistent restrictions placed upon the movement and operations of UNMISS, *strongly condemning* the attacks by government and opposition forces and other groups on United Nations personnel and facilities, including the December 2012 downing of a United Nations helicopter by the SPLA, the April 2013 attack on a United Nations convoy, the December 2013 attack on the UNMISS camp in Akobo, and the 2014 attacks on the UNMISS camp in Bor, and *calling upon* the Government of South Sudan to complete its investigations of these attacks in a swift and thorough manner and to hold those responsible to account,

Expressing grave concern regarding the threats made to oil installations, petroleum companies and their employees, and urging all parties to ensure the security of economic infrastructure,

Recalling its resolution 2117 (2013) and *expressing grave concern* at the threat to peace and security in South Sudan arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons,

Noting with serious concern reports of the indiscriminate use of cluster munitions, made by the United Nations Mine Action Service (UNMAS) in Jonglei State in February 2014, and *urging* all parties to refrain from similar such use in the future,

Welcoming IGAD's initiative for the deployment of the MVM, *calling* for the redeployment and/or progressive withdrawal of armed groups and allied forces invited by either side, consistent with the 23 January 2014 Cessation of Hostilities Agreement, and *warning* of the serious consequences that could result from any regionalization of the conflict,

Reaffirming its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, and 1502 (2003) on the protection of humanitarian and United Nations personnel; resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), and 2143 (2014) on children and armed conflict; and resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) on women, peace, and security; resolution 2150 (2014) on the Prevention and Fight against Genocide; and resolution 2151 (2014) on security sector reform,

Taking note of the 6 March 2014 Secretary-General's report (S/2014/158) and the recommendations contained therein,

Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses* the CoH Agreement accepted and signed by the Republic of South Sudan and the SPLM/A (in Opposition) on 23 January 2014, *further endorses*

the Agreement to Resolve the Crisis in South Sudan signed on 9 May 2014 by the Republic of South Sudan and the SPLM/A (in Opposition); *calls for* immediate and full implementation of the agreements by both parties, and *expresses* its readiness to consider all appropriate measures against those who take action that undermines the peace, stability, and security of South Sudan, including those who prevent the implementation of these agreements;

2. *Urges* all parties to engage in an open and fully inclusive national dialogue seeking to establish lasting peace, reconciliation and good governance, including through the full and effective participation of youth, women, diverse communities, faith groups, civil society, and the formerly detained SPLM leaders, *encourages* the efforts of IGAD and the United Nations to reach a peace agreement between the parties, and *further urges* them to ensure that child protection provisions are integrated into all peace negotiations and peace agreements;

3. *Decides* to extend the mandate of UNMISS until 30 November 2014, and *further decides* that UNMISS shall, within the authorized troop ceiling of 12,500 set out in paragraph 8, include a component consisting inter alia of three battalions, with additional responsibility for protecting IGAD's MVM as set out in paragraph 4 (d), as well as implementing the mission's overall mandate as set out in paragraphs 4 (a), 4 (b) and 4 (c) below, consistent with paragraph 5;

4. *Decides* that the mandate of UNMISS shall be as follows, and *authorizes* UNMISS to use all necessary means to perform the following tasks:

(a) *Protection of civilians*:

(i) To protect civilians under threat of physical violence, irrespective of the source of such violence, within its capacity and areas of deployment, with specific protection for women and children, including through the continued use of the Mission's Child Protection and Women Protection Advisers;

(ii) To deter violence against civilians, including foreign nationals, especially through proactive deployment, active patrolling with particular attention to displaced civilians, including those in protection sites and refugee camps, humanitarian personnel and human rights defenders, and identification of threats and attacks against the civilian population, including through regular interaction with the civilian population and closely with humanitarian, human rights and development organizations, in areas at high risk of conflict including, as appropriate, schools, places of worship, hospitals, and the oil installations, in particular when the Government of the Republic of South Sudan is unable or failing to provide such security;

(iii) To implement a mission-wide early warning strategy, including a coordinated approach to information gathering, monitoring, verification, early warning and dissemination, and response mechanisms, including response mechanisms to prepare for further potential attacks on United Nations personnel and facilities;

(iv) To maintain public safety and security within and of UNMISS protection of civilians sites;

(v) To exercise good offices, confidence-building, and facilitation in support of the mission's protection strategy, especially in regard to women and

children, including to facilitate inter-communal reconciliation in areas of high risk of conflict as an essential part of long-term State-building activity;

(vi) To foster a secure environment for the eventual safe and voluntary return of internally displaced persons (IDPs) and refugees including, where compatible and in strict compliance with the United Nations Human Rights Due Diligence Policy (HRDPP), through monitoring of, ensuring the maintenance of international human rights standards by, and specific operational coordination with the police services in relevant and protection-focused tasks, in order to strengthen protection of civilians;

(b) *Monitoring and investigating human rights*:

(i) To monitor, investigate, verify, and report publicly and regularly on abuses and violations of human rights and violations of international humanitarian law, including those that may amount to war crimes or crimes against humanity;

(ii) To monitor, investigate, verify and report specifically and publicly on violations and abuses committed against children and women, including all forms of sexual and gender-based violence in armed conflict by accelerating the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence and by strengthening the monitoring and reporting mechanism for grave violations against children;

(iii) To coordinate with, and offer technical support to, where appropriate, the African Union's Commission of Inquiry for South Sudan;

(c) *Creating the conditions for delivery of humanitarian assistance*:

(i) To contribute to the creation of the conditions for the delivery of humanitarian assistance, including by helping to establish the necessary security conditions and by exercising its good offices, confidence-building and facilitation, so as to allow, in accordance with relevant provisions of international law and United Nations guiding principles of humanitarian assistance, the full, safe and unhindered access of relief personnel to all those in need in South Sudan and timely delivery of humanitarian assistance, in particular to internally displaced persons and refugees;

(ii) To ensure the security and freedom of movement of United Nations and associated personnel where appropriate, and to ensure the security of installations and equipment necessary for implementation of mandated tasks;

(d) *Supporting the Implementation of the Cessation of Hostilities Agreement*:

(i) To ensure proper coordination with the Joint Technical Committee (JTC), MVM, and Monitoring and Verification Teams (MVTs), as appropriate;

(ii) To provide mobile and dedicated fixed site security to IGAD's MVM, as established in line with the decisions of the 31 January and 13 March meetings of the IGAD Assembly of Heads of State and Government; and

(iii) To provide support to the work of the MVM as described within the CoH;

5. *Emphasizes* that protection of civilians, as described in paragraph 4 (a), must be given priority in decisions about the use of available capacity and resources within the Mission;

6. *Requests* the Secretary-General, through his Special Representative, to continue to direct the operations of an integrated UNMISS, coordinate all activities of the United Nations system in the Republic of South Sudan, and support a coherent international approach to achieving peace in the Republic of South Sudan;

7. *Endorses* the recommendation made by the Secretary-General in his 6 March 2014 report to increase the overall force levels of UNMISS to support its restructured mandate as defined in paragraph 4 of this resolution;

8. *Decides* that UNMISS will consist of a military component of up to 12,500 troops of all ranks and of a police component, including appropriate Formed Police Units, of up to 1,323 personnel; and that the civilian component will be reduced accordingly to tasks outlined in paragraph 4; *requests* that the Secretary-General provide detailed information on force generation, restructuring of the UNMISS force, logistical support and enablers, including as part of his regular reports; and *requests* the Secretary-General to review needs on the ground, and provide an updated assessment of the force's operations, deployment and future requirements 120 days after this resolution;

9. *Requests* UNMISS to focus and streamline its activities, across its military, police and civilian components in order to achieve progress on the tasks outlined in paragraph 4, *recognizes* that certain Mission tasks will therefore be ceased, and in this regard, *requests* the Secretary-General undertake a full personnel review in June 2014 and to include the details in his next regular report on UNMISS;

10. *Expresses* its intention to keep the requirements of and composition of UNMISS components under active review, and to review this mandate and make any necessary adjustments, at an appropriate stage in the implementation of a credible peace agreement between the parties;

11. *Authorizes* the Secretary-General to take the necessary steps, in accordance with paragraph 8, to expedite force and asset generation, and as necessary, discontinue the inter-mission cooperation already authorized under resolution 2132 (2013);

12. *Requests* UNMISS to increase its presence and active patrolling in areas of high-risk of conflict, high concentrations of IDPs, including as guided by its early warning strategy, and key routes for population movement, and to conduct regular reviews of its geographic deployment to ensure that its forces are best placed to protect civilians, and *requests* the Secretary-General to provide updates on these reviews as part of his regular reports;

13. *Further requests* that UNMISS continues to ensure full compliance with the United Nations zero tolerance policy on sexual exploitation and abuse and to keep the Council fully informed about the Mission's progress in this regard, and *urges* troop-contributing countries to take appropriate preventive action including predeployment awareness training, and to ensure full accountability in cases of such conduct involving their personnel;

14. *Encourages* UNMISS to fully implement the HRDDP and *requests* the Secretary-General to include progress made in implementing the policy in his reports to the Council;

15. *Condemns* in the strongest terms attacks on and threats made to UNMISS personnel and United Nations facilities, including violations of the Status of Forces Agreement, *stresses* that such attacks may constitute war crimes, *demands* that all parties respect the inviolability of United Nations premises and immediately desist and refrain from any violence against those gathered at United Nations facilities, and *stresses* that efforts to undermine the ability of UNMISS to implement its mandate and attacks on United Nations personnel will not be tolerated;

16. *Demands* that the Government of the Republic of South Sudan and all relevant parties cooperate fully in the deployment, operations, and monitoring, verification, and reporting functions of UNMISS, in particular by guaranteeing the safety, security, and unrestricted freedom of movement of United Nations and associated personnel, throughout the territory of the Republic of South Sudan, and *further calls upon* the Government of South Sudan to ensure freedom of movement for IDPs, including those leaving and entering protection of civilian sites, and to continue to support UNMISS by the allocation of land for protection of civilian sites;

17. *Demands* all parties allow, in accordance with relevant provisions of international law and United Nations guiding principles of humanitarian assistance, the full, safe and unhindered access of relief personnel, equipment and supplies, to all those in need and timely delivery of humanitarian assistance, in particular to internally displaced persons and refugees and stresses that any returns of IDPs or refugees must be undertaken on a voluntary and informed basis in conditions of dignity and safety;

18. *Further demands* that all parties immediately cease all forms of violence, human rights violations and abuses, violations of international humanitarian law, including gender-based violence, rape and other forms of sexual violence, and violations and abuses against children in violation of applicable international law such as those involving their recruitment and use, killing and maiming, abduction and attacks against schools and hospitals, *strongly urges* the Government to fully and immediately implement its action plan to end and prevent child recruitment signed on 12 March 2012, *further strongly urges* the opposition forces to fully and immediately implement their commitment to end grave violations against children signed on 10 May 2014, and *calls* for specific and time-bound commitments to combat sexual violence in accordance with resolution 1960 and 2106;

19. *Calls upon* the Government of South Sudan to move forward expeditiously and transparently to complete the investigations of allegations of human rights violations and abuses consistent with international standards, to hold to account all those responsible for violations and abuses of human rights and violations of international humanitarian law, and to ensure that all victims of sexual violence have equal protection under the law and equal access to justice, and to safeguard equal respect for the rights of women and girls in these processes;

20. *Emphasizes* the importance of the full and effective participation of women at all levels in the implementation of agreements and in the prevention and resolution of conflict and peacebuilding more broadly, *calls upon* all parties to take measures to ensure women's full and effective representation and leadership in all conflict resolution and peacebuilding efforts, including through support to women's civil society organizations and incorporating gender expertise in peace talks, and *encourages* troop- and police-contributing countries to take measures to increase the

deployment of women in the military, police, and civilian components of the mission, and *reaffirms* the importance of appropriate gender expertise and training in all missions mandated by the Security Council;

21. *Condemns* attacks on oil installations, petroleum companies and their employees, and the continued fighting around these facilities, and *urges* all parties to ensure the security of economic infrastructure;

22. *Requests* that the Secretary-General report to the Security Council on the implementation of the UNMISS mandate every 60 days following the adoption of the resolution;

23. *Decides* to remain actively seized of the matter.